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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600**

In re application of
Zhen-Man Lin
Application No. 10/029,951
Filed: December 31, 2001
For: DEVICE FOR PRECAUTION
SKYJACKING AND SYSTEM

DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY

This is a decision on the request filed on December 4, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application. There is no fee for this request. The delay in responding to the petition is sincerely regretted.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks conditions A) and B) above.

The attorney who signed the request to withdraw as attorney is not of record and, therefore, cannot withdraw on behalf of those attorneys that are of record. It is also noted that petitioner appears to argue that petitioner's client by other conduct renders it unreasonable to represent the applicant effectively. If this is the case, petitioner should clearly state such as enumerated in subsection (1)-(6) of 37 CFR 10.40(c).



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